

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

INTRACOMM, INCORPORATED,)
et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 05-0955
)
KEN S. BAJAJ, et al.,)
)
Defendants.)
)

ORDER

This matter comes before the Court on Defendants' Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(b), (c). The Court is of the opinion that Defendants are entitled to summary judgment on:

- (1) Counts 1 through 8 of Plaintiffs' Amended Complaint as to Defendants Ken S. Bajaj; Jack Pearlstein; Steven L. Hanau; DigitalNet Holdings, Inc.; BAE Systems North America, Inc.; and BAE Systems IT Holdings, Inc.;
- (2) Count 1 of Plaintiffs' Amended Complaint as to Defendant BAE Systems Information Technology, LLC, except as to Plaintiffs' request for declaratory judgment as to whether Plaintiff Babak Habibi was a non-exempt employee under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219 (2000); and

(3) Counts 3 through 8 of Plaintiffs' Amended Complaint as to Defendant BAE Systems Information Technology, LLC.

However, as there are genuine issues of material fact regarding Plaintiffs' FLSA claims asserted in Counts 1 and 2 of Plaintiffs' Amended Complaint against Defendant BAE Systems Information Technology, LLC, those claims shall proceed to trial.

An appropriate Memorandum Opinion and Order shall issue.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
March 14, 2006